

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 628 – HB 1056**

March 6, 2023

**SUMMARY OF BILL:** Requires that the permitting process for any permit issued under the *Water Quality Control Act of 1977* be based on the contents of the permit application and conditions that exist at the time the permit application is under consideration, rather than possible future conditions unrelated to the purposes for which the permit is sought as identified in the application.

**FISCAL IMPACT:**

**Increase State Expenditures - \$238,300/FY23-24  
\$235,900/FY24-25 and Subsequent Years**

**Other Fiscal Impact - Additional positions for the Department of Environment and Conservation will only be necessary until certain rules are rewritten and implemented to account for this legislation. When such rules will be completely implemented cannot be determined with reasonable certainty; however, upon completion, there will be a corresponding, recurring decrease in state expenditures equal to cost of these positions.**

**Further, there will be a temporary increase in state expenditures regarding notification costs incurred with such rulemaking for the department to notify the appropriate media outlets. The amount and timing of such an increase in state expenditures cannot be determined with reasonable certainty.**

**Assumptions:**

- It is not expected the provisions of this legislation will result in a significant increase in permit applications. Therefore, there will not be a substantial increase in state revenue.
- This legislation will require that the Department of Environment and Conservation (TDEC) rewrites much of the current rules for the various programs under the Division of Water Resources.
- Such task will be extensive and require work beyond what may be accomplished by current TDEC staff; however, based on information from the TDEC, these positions will not be needed after such rules have been rewritten and implemented to account for the requirements of this legislation.
- The department will require two additional positions: one environmental consultant-2 and one environmental consultant-3.
- There will be a total increase in state expenditures of \$238,321 (\$184,608 salaries + \$45,313 benefits + \$6,000 travel and supplies + \$2,400 computers) in FY23-24.

- There will be a recurring increase in state expenditures of \$235,921 (\$184,608 salaries + \$45,313 benefits + \$6,000 travel and supplies) in FY24-25 and subsequent years.
- Such recurring increase in state expenditures is not expected to be permanent, but only be incurred until such rules are rewritten. When such rules will be completely rewritten cannot be determined with reasonable certainty.
- In addition, there will be an increase in notification costs incurred with such rulemaking for TDEC to notify the appropriate media outlets of required public meetings.
- Based on responses to the 2017 Local Government Survey conducted by the Fiscal Review Committee staff, participating local government officials reported the average cost for a newspaper notification is \$114. The total amount and timing of such notifications will result in a temporary increase in state expenditures, but cannot be determined with reasonable certainty.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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